

## INITIAL STATEMENT OF REASONS

### Amend Definitions, Minimum Standards for Training, and Basic Course Waiver and Requalification Requirements – Jail Deputies Regulation(s) 1001, 1005, and 1008

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At the June 23, 2016 meeting, the Commission approved proposed amendments to the POST Administrative Manual (PAM), Section B – Regulations sections 1001 Definitions, 1005 Minimum Standards for Training and 1008 Basic Course Waiver and Requalification Requirement.

POST is proposing regulatory changes related to custodial peace officers (JDEPs) that are intended to make POST regulations consistent with the dictates of Penal Code sections 830.1(c) and 832.3 (including the amendments to section 832.3(e)(3) dictated by Assembly Bill 1168). The changes to create a definition for the jail deputy (JDEP) classification [section 830.1(c)], establish the entry level training requirements for JDEPs [section 832.3(e)(2)], specify the Continuing Professional Training (CPT) required for JDEPs by POST regulations, and delineate the Jail Deputy requalification exemption requirements (Assembly Bill 1168).

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#### Justification for Proposed Revisions

##### Regulation 1001 Definitions

**“Jail Deputy”** added “Jail Deputy” is a deputy sheriff, regularly employed and paid as such, of a county, to be a peace officer as described in Penal Code section 830.1(c), and is employed to perform duties exclusively or initially related to custodial assignments. to define the peace officer classification of deputy sheriffs appointed pursuant to Penal Code section 830.1(c). The proposed definition is required in order to clearly define the sub-category of peace officers that are subject to the training requirements set forth in Penal Code 832.3(e)(2) and are exempt from the training requirements specified in Penal Code 832.3(a).

**“Limited Function Peace Officer”** deleted {e} from 830.1(c) because that Penal Code section specifically refers to deputy sheriffs of specific county sheriff departments employed to perform duties relating to custodial assignments with responsibilities for maintaining the operations of county custodial facilities and therefore does not apply to a police officer of a city or a deputy sheriff employed by a county sheriff’s department that is not referenced in Penal Code 830.1. The revision is also necessary because the proposed “Jail Deputy” definition pertains exclusively to peace officers described by Penal Code 830.1(c).

##### Regulation 1005 Minimum Standards for Training

**Regulation 1005(a)(1) Basic Course Requirement** added jail deputies to the list of peace officers that are excepted from completing the Regular Basic Course [Penal Code section 832.3(e)(1)]. The proposed revisions make the training requirements and exceptions set forth in the POST regulations consistent with the dictates of Penal Code 832.3(e).

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**Regulation 1005(a)(1) (A) Field Training Program Requirement** added jail deputies to the list of peace officers that are excepted from completing the Field Training Program Requirement because they are not authorized to perform general law enforcement uniformed patrol duties [Penal Code section 830.1(c)]. The proposed revisions make the training requirements and exceptions set forth in the POST regulations consistent with the dictates of Penal Code 832.3(e).

**Regulation 1005(a)(7) Minimum Entry-Level Standards (Required)** added Every jail deputy [Penal Code section 830.1(c)] shall satisfactorily meet the training requirements of the PC 832 Arrest and Firearms Course, PAM Section D-1-7; and within 120 days after the date of appointment, shall complete the training required by the Board of State and Community Corrections for custodial personnel pursuant to Section 6035, and the training required for custodial personnel of local detention facilities pursuant to Division 1 (commencing with Section 100) of Title 15 of the California Code of Regulations [Penal Code section 832.3(e)(1)] to specify the minimum entry level training standard for jail deputy. The proposed revisions make the training requirements set forth in the POST regulations consistent with the dictates of Penal Code 832.3(e)(2).

**Regulation 1005(b) Supervisory Course (Required)** (except jail deputies) added to exclude jail deputies from the Supervisory Course training requirement because they are not required to complete the Regular Basic Course, nor are they eligible for the award of the Basic Certificate. The proposed revisions make the training requirements and exceptions set forth in the POST regulations consistent with the dictates of Penal Code 832.3(e).

**Regulation 1005(c) Management Course (Required)** (except jail deputies) added to exclude jail deputies from the Management Course training requirement because they are not required to complete the Regular Basic Course, nor are they eligible for the award of the Basic Certificate. The proposed revisions make the training requirements and exceptions set forth in the POST regulations consistent with the dictates of Penal Code 832.3(e).

#### (d) Continuing Professional Training (CPT) (Required)

(1) **Requirement** added Completion by jail deputies of in-service training required by Standards and Training for Corrections (STC) for custodial officers is considered to meet the POST CPT requirement because jail deputies are employed to perform duties exclusively or initially relating to custodial assignments [Penal Code section 830.1(c)] and the training required by STC is specific to these duties. The proposed revisions make the training requirements set forth in the POST regulations consistent with the dictates of Penal Code 832.3(e)(2).

#### 1008. Basic Course Waiver and Requalification Requirement

**1008(d)(4) Jail Deputy Exemption** added the following language to list the eligibility requirements for the Jail Deputy Exemption, specify the retention period for the written documentation on the determination by the department head that the of the individual's qualifications satisfy the requirements for the exemption [PC section 832.3(e)(1)] and note the sunset clause [PC Section 832.3(i)]:

An individual who successfully completed a Regular Basic Course or the Basic Course Waiver Process on or after January 1, 2013 and has been appointed as a jail deputy [Penal Code section 830.1(c)], but has not previously served in a California peace

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officer/Level I reserve officer position with qualifying service\* is eligible for an exemption of the requalification requirement.

(A) The individual shall have:

1. Been continuously employed as a jail deputy with the same agency
2. Maintained ongoing Perishable Skills training as specified by POST, and
3. Been appointed as a deputy sheriff [Penal Code section 830.1(a)] within five years of the date of completion of the Regular Basic Course or the Basic Course Waiver.

(B) Documentation of Exemption

1. Written documentation determined by the department head as satisfying the exemption listed in 1008(b)(4)(A) above shall be retained by the employing agency for at least the duration of the individual's employment with the department. This retention period is recommended so that the employing agency can provide supporting documentation of the exemption, if it is requested during a POST inspection.

NOTE: This section shall remain in effect only until January 1, 2019 [Penal Code section 832.3(i)].

The proposed revisions make the training requirements and exemptions set forth in the POST regulations consistent with the dictates of Penal Code 832.3(e).

#### **Business Impact/Small Businesses**

The Commission has made an initial determination that this regulatory proposal would have no significant statewide adverse economic impact directly affecting California businesses, including the ability of California businesses to compete with businesses in other states. The proposal does not affect small businesses, as defined by Government Code section 11342.610, because the Commission sets selection and training standards for governmental law enforcement agencies. The proposed regulations pertain exclusively to the definition of "Jail Deputy" and the training requirements and training exemptions of Jail Deputies and do not have an impact on California businesses, including small businesses.

#### **Cost Impacts on Representative Private Persons or Businesses**

The Commission on Peace Officer Standards and Training is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with this proposed action.

#### **Assessment**

The adoption of the proposed regulation amendments will neither create nor eliminate jobs in the State of California and will not result in the elimination of existing businesses or create or expand businesses in the State of California.

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#### Consideration of Alternatives

The Commission must determine that no reasonable alternative considered by the Commission or that has otherwise been identified and brought to the attention of the Commission would be more effective in carrying out the purpose for which the action is proposed, would be as effective, and less burdensome to affected private persons that the proposed action, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provisions of the law.

#### Economic Impact Analysis

##### *Impact of Jobs/New Business:*

The Commission on Peace Officer Standards and Training sets selection and training standards for governmental law enforcement agencies that are POST members. The proposed revisions pertain to the definition of "Jail Deputy" and the training requirements and training exemptions of Jail Deputies that are solely applicable to governmental law enforcement agencies. Accordingly, adoption of the proposed regulatory revisions will neither create nor eliminate jobs in the State of California nor result in the elimination of existing businesses or create or expand businesses in the State of California.

##### *Assessment:*

The proposed revisions pertain solely to training requirements and exemptions solely utilized by governmental law enforcement agencies that are POST members. As a result, the adoption of the proposed regulation amendments will neither create nor eliminate jobs in the State of California and will not result in the elimination of existing businesses or create or expand businesses in the State of California.

##### *Benefits of the Regulation:*

The benefits of proposed amendments to the regulation will define the jail deputy classification, clarify entry level and in-service training requirements, list the eligibility requirements for the jail deputy exemption from the three year requalification requirement and establish a retention period for written documentation of the basis for an exemption. This amendment will reduce delays by keeping the approval decision at the agency level (subject to review by the Commission). The proposed regulations effectuate the dictates of Penal Code 832.3 and ensure the provision of necessary law enforcement training in a consistent manner. Thus, the law enforcement standards are retention maintained and effective in preserving peace, protection of public health, safety, and welfare of California. The proposed amendments will not benefit the worker safety or the State's environment.